

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE

VERSATA SOFTWARE, INC., F/K/A	§	
TRILOGY SOFTWARE, INC., and	§	
VERSATA DEVELOPMENT GROUP,	§	CIVIL ACTION NO. _____
INC., F/K/A TRILOGY DEVELOPMENT	§	
GROUP, INC.	§	JURY TRIAL DEMANDED
	§	
Plaintiffs,	§	
v.	§	
NETBRAIN TECHNOLOGIES, INC.,	§	
	§	
Defendant.	§	

**PLAINTIFFS' COMPLAINT**

Plaintiffs Versata Software, Inc., f/k/a Trilogy Software, Inc., and Versata Development Group, Inc., f/k/a Trilogy Development Group, Inc., (collectively "Versata") file this Complaint for patent infringement against Defendant NetBrain Technologies, Inc. ("NetBrain").

**PARTIES**

1. Plaintiff Versata Software, Inc., f/k/a Trilogy Software, Inc., is a corporation existing under the laws of Delaware with its principal place of business at 401 Congress, Suite 2650, Austin, Texas 78730.
2. Plaintiff Versata Development Group, Inc., f/k/a Trilogy Development Group, Inc., is a corporation existing under the laws of Delaware with its principal place of business at 401 Congress, Suite 2650, Austin, Texas 78730.
3. Defendant NetBrain Technologies, Inc. is a Delaware corporation that has its principal place of business at 23 Third Ave., Burlington, Massachusetts 01803.

**JURISDICTION AND VENUE**

4. This is an action for patent infringement under the Patent Laws of the United States, 35 U.S.C. § 271.

5. This Court has subject matter jurisdiction pursuant to 28 U.S.C. §§ 1331 and 1338(a).

6. Venue is proper in this judicial district under 28 U.S.C. §§ 1391(b) and 1400(b).

**FACTS**

7. On December 21, 2004, the USPTO duly and legally issued United States Patent No. 6,834,282 (“the ‘282 Patent”). Versata holds all right, title, and interest in and to the ‘282 Patent, including the right to sue and recover damages for infringement. A true and correct copy of the ‘282 Patent is attached as **Exhibit A**.

8. On June 14, 2005, the USPTO duly and legally issued United States Patent No. 6,907,414 (“the ‘414 Patent”). Versata holds all right, title, and interest in and to the ‘414 Patent, including the right to sue and recover damages for infringement. A true and correct copy of the ‘414 Patent is attached as **Exhibit B**.

9. On July 25, 2006, the USPTO duly and legally issued United States Patent No. 7,082,454 (“the ‘454 Patent”). Versata holds all right, title, and interest in and to the ‘454 Patent, including the right to sue and recover damages for infringement. A true and correct copy of the ‘454 Patent is attached as **Exhibit C**.

10. NetBrain makes, uses, sells, and offers for sale map-based automation technology that empowers networking professionals with improved information to make better decisions about their networks including NetBrain Enterprise Suite, which is NetBrain’s most comprehensive client-server solution for enterprise networks of all sizes and NetBrain Consultant Edition, which is NetBrain’s portable automation solution for on-the-go consultants.

11. NetBrain sells NetBrain Enterprise Suite and NetBrain Consultant Edition to customers throughout the United States, including in this judicial district.

12. NetBrain's Enterprise Suite and Consultant Edition infringe Versata's '282, '414, and '454 patents.

**COUNT I: INFRINGEMENT OF THE '282 PATENT**

13. Versata incorporates the foregoing paragraphs as if fully set forth here.

14. NetBrain has been and is now directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '282 Patent in the State of Delaware, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, and offering for sale infringing software products and related services.

15. NetBrain's infringement has caused, and is continuing to cause, injury to Versata.

16. Versata has been damaged by NetBrain's infringement of the '282 Patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless NetBrain is permanently enjoined from infringing the '282 Patent.

17. At least as early as its receipt of this Complaint, NetBrain had knowledge of the '282 Patent, written notice of the infringement, and intent to infringe the '282 Patent.

**COUNT II: INFRINGEMENT OF THE '414 PATENT**

18. Versata incorporates the foregoing paragraphs as if fully set forth here.

19. NetBrain has been and is now directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '414 Patent in the State of Delaware, in this judicial district, and elsewhere within the United States by, among other

things, making, using, licensing, selling, and offering for sale infringing software products and related services.

20. NetBrain's infringement has caused, and continues to cause, injury to Versata.

21. Versata has been damaged by NetBrain's infringement of the '414 Patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless NetBrain is permanently enjoined from infringing the '414 Patent.

22. At least as early as its receipt of this Complaint, NetBrain has had knowledge of the '414 Patent, written notice of the infringement, and intent to infringe the '414 Patent.

#### **COUNT IV: INFRINGEMENT OF THE '454 PATENT**

23. Versata incorporates the foregoing paragraphs as if fully set forth here.

24. NetBrain has been and is now directly infringing and indirectly infringing by way of inducing infringement and/or contributing to the infringement of the '454 Patent in the State of Delaware, in this judicial district, and elsewhere within the United States by, among other things, making, using, licensing, selling, and offering for sale the infringing software products and related services.

25. NetBrain's infringement has caused, and continues to cause, injury to Versata.

26. Versata has been damaged by NetBrain's infringement of the '454 Patent in an amount to be determined at trial, and has suffered and will continue to suffer irreparable loss and injury unless NetBrain is permanently enjoined from infringing the '454 Patent.

27. At least as early as its receipt of this Complaint, NetBrain has had knowledge of the '454 Patent, written notice of infringement, and intent to infringe the '454 Patent.

**PRAYER FOR RELIEF**

WHEREFORE, Plaintiffs Versata Software, Inc. and Versata Development Group, Inc. pray for the following relief against Defendant NetBrain Technologies, Inc.:

- A. A judgment in favor of Versata that NetBrain has infringed, directly and indirectly by way of inducing infringement and/or contributing to the infringement of Versata's '282, '414 and '454 Patents;
- B. A permanent injunction, enjoining NetBrain along with their officers, directors, agents, servants, employees, affiliates, divisions, branches, subsidiaries, and parents from infringing, inducing the infringement of, or contributing to the infringement of Versata's '282, '414 and '454 Patents;
- C. A judgment and order requiring NetBrain to pay Versata damage for their infringement of Versata's '282, '414 and '454 Patents, together with interest (both pre- and post-judgment), costs and disbursements as fixed by this Court under 35 U.S.C. § 284; and
- D. Such other and further relief in law or in equity to which Versata may be justly entitled.

**DEMAND FOR JURY TRIAL**

Plaintiffs demand a trial by jury of any and all issues triable of right before a jury.

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